

## Union Calendar No. 139

106TH CONGRESS  
1ST SESSION

# H. R. 1934

[Report No. 106-242]

To amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1999

Mr. SAXTON (for himself, Mr. FALEOMAVAEGA, and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on Resources

JULY 20, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 25, 1999]

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## A BILL

To amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Marine Mammal Rescue*  
 3 *Assistance Act of 1999”.*

4 **SEC. 2. JOHN H. PRESCOTT MARINE MAMMAL RESCUE AS-**  
 5 **SISTANCE GRANT PROGRAM.**

6       *(a) IN GENERAL.—Title IV of the Marine Mammal*  
 7 *Protection Act of 1972 (16 U.S.C. 1371 et seq.) is*  
 8 *amended—*

9               *(1) by redesignating sections 408 and 409 as sec-*  
 10 *tions 409 and 410, respectively; and*

11              *(2) by inserting after section 407 the following:*

12 **“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE**  
 13 **ASSISTANCE GRANT PROGRAM.**

14       *“(a) IN GENERAL.—(1) Subject to the availability of*  
 15 *appropriations, the Secretary shall conduct a grant pro-*  
 16 *gram to be known as the John H. Prescott Marine Mammal*  
 17 *Rescue Assistance Grant Program, to provide grants to eli-*  
 18 *gible stranding network participants for the recovery or*  
 19 *treatment of marine mammals, the collection of data from*  
 20 *living or dead marine mammals for scientific research re-*  
 21 *garding marine mammal health, and facility operation*  
 22 *costs that are directly related to those purposes.*

23       *“(2)(A) The Secretary shall ensure that, to the greatest*  
 24 *extent practicable, funds provided as grants under this sub-*  
 25 *section are distributed equitably among the designated*  
 26 *stranding regions.*

1       “(B) *In determining priorities among such regions, the*  
2 *Secretary may consider—*

3               “(i) *any episodic stranding or any mortality*  
4 *event other than an event described in section 410(6),*  
5 *that occurred in any region in the preceding year;*  
6 *and*

7               “(ii) *data regarding average annual strandings*  
8 *and mortality events per region.*

9       “(b) *APPLICATION.—To receive a grant under this sec-*  
10 *tion, a stranding network participant shall submit an ap-*  
11 *plication in such form and manner as the Secretary may*  
12 *prescribe.*

13       “(c) *ADVISORY GROUP.—*

14               “(1) *IN GENERAL.—The Secretary, in consulta-*  
15 *tion with the Marine Mammal Commission, shall es-*  
16 *tablish an advisory group in accordance with this*  
17 *subsection to advise the Secretary regarding the im-*  
18 *plementation of this section, including the award of*  
19 *grants under this section.*

20               “(2) *MEMBERSHIP.—The advisory group shall*  
21 *consist of a representative from each of the designated*  
22 *stranding regions and other individuals who rep-*  
23 *resent public and private organizations that are ac-*  
24 *tively involved in rescue, rehabilitation, release, sci-*

1        *entific research, and forensic science regarding*  
2        *stranded marine mammals.*

3                *“(3) PUBLIC PARTICIPATION.—*

4                        *“(A) MEETINGS.—The advisory group*  
5                        *shall—*

6                                *“(i) ensure that each meeting of the ad-*  
7                                *visory group is open to the public; and*

8                                *“(ii) provide, at each meeting of the*  
9                                *advisory group, an opportunity for inter-*  
10                                *ested persons to present oral or written*  
11                                *statements concerning items on the agenda*  
12                                *for the meeting.*

13                                *“(B) NOTICE.—The Secretary shall provide*  
14                                *to the public timely notice of each meeting of the*  
15                                *advisory group.*

16                                *“(C) MINUTES.—The Secretary shall keep*  
17                                *and make available to the public minutes of each*  
18                                *meeting of the advisory group.*

19                                *“(4) EXEMPTION.—The Federal Advisory Com-*  
20                                *mittee Act (5 App. U.S.C.) shall not apply to the es-*  
21                                *tablishment and activities of an advisory group in*  
22                                *accordance with this subsection.*

23                                *“(d) LIMITATION.—The amount of a grant under this*  
24                                *section shall not exceed \$100,000.*

25                                *“(e) MATCHING REQUIREMENT.—*

1           “(1) *IN GENERAL.*—*The non-Federal share of the*  
 2           *costs of an activity conducted with a grant under this*  
 3           *section shall be 25 percent of such costs.*

4           “(2) *IN-KIND CONTRIBUTIONS.*—*The Secretary*  
 5           *may apply to the non-Federal share of an activity*  
 6           *conducted with a grant under this section the amount*  
 7           *of funds, and the fair market value of property and*  
 8           *services, provided by non-Federal sources and used for*  
 9           *the activity.*

10          “(f) *ADMINISTRATIVE EXPENSES.*—*Of amounts avail-*  
 11          *able each fiscal year to carry out this section, the Secretary*  
 12          *may expend not more than 6 percent to pay the administra-*  
 13          *tive expenses necessary to carry out this section.*

14          “(g) *DEFINITIONS.*—*In this section:*

15               “(1) *DESIGNATED STRANDING REGION.*—*The*  
 16               *term ‘designated stranding region’ means a geo-*  
 17               *graphic region designated by the Secretary for pur-*  
 18               *poses of administration of this title.*

19               “(2) *SECRETARY.*—*The term ‘Secretary’ has the*  
 20               *meaning given that term in section 3(12)(A).*

21          “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
 22          *are authorized to be appropriated to the Secretary to carry*  
 23          *out this section \$5,000,000 for each of fiscal years 2001*  
 24          *through 2003, to remain available until expended.”.*

1       **(b) CONFORMING AMENDMENT.**—*Section 3(12)(B) of*  
 2 *the Marine Mammal Protection Act of 1972 (16 U.S.C.*  
 3 *1362(12)(B)) is amended by inserting “(other than section*  
 4 *408)” after “title IV”.*

5       **(c) CLERICAL AMENDMENT.**—*The table of contents in*  
 6 *the first section of the Marine Mammal Protection Act of*  
 7 *1972 (86 Stat. 1027) is amended by striking the items relat-*  
 8 *ing to sections 408 and 409 and inserting the following:*

*“Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.*

*“Sec. 409. Authorization of appropriations.*

*“Sec. 410. Definitions.”.*



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